

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

EPHRAIM ROSENBERG,

Defendant.

NO. CR20-151 RAJ

DEFENDANT ROSENBERG'S
UNOPPOSED MOTION TO MODIFY
THE TERMS OF FEDERAL PROBATION
TO PERMIT A SINGLE NIGHT OF
OVERNIGHT TRAVEL

**NOTE ON MOTION CALENDAR:
JUNE 10, 2024**

I. MOTION

The defendant, Ephraim Rosenberg, by undersigned counsel, hereby respectfully moves this Court for an Order permitting him to travel on June 21, 2024, through June 22, 2024, from his home in Brooklyn, New York, to Lakewood, New Jersey, to attend a customary Jewish pre-wedding celebration for his daughter's wedding. Normally the location of the celebration is within driving distance, but because it is the Sabbath, an overnight stay is required and requires the Court's approval.

DEFENDANT ROSENBERG'S UNOPPOSED
MOTION TO MODIFY THE TERMS OF FEDERAL
PROBATION TO PERMIT A SINGLE NIGHT OF
OVERNIGHT TRAVEL – 1

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520 - Pike Street, Suite 1001
Seattle, Washington 98101-4092
(206) 623-6501

1 The United States Probation Department, represented by Mr. Rosenberg's probation
2 officer, Sabrina Gargano, "does not have any objections to this request." *See* May 20, 2024,
3 Email attached as Ex. A.

4 The Government, represented by Assistant United States Attorney Miriam Hinman, also
5 does not oppose the requested modification under the unique circumstances of this case and for
6 the sole purpose of attending his daughter's pre-wedding celebration.

7 While U.S. Probation does not object to this overnight travel request, the USPO
8 apparently cannot authorize Mr. Rosenberg to travel overnight without Court approval due to
9 national policy regarding the location monitoring program, which Mr. Rosenberg is subject to
10 until July 17, 2024.

11 **II. MEMORANDUM IN SUPPORT OF MOTION TO PERMIT TRAVEL**

12 In 2023 Mr. Rosenberg plead guilty to one count of conspiracy to commit a violation of
13 the Travel Act, 18 U.S.C. § 1952(a)(3). At sentencing, the Government, the defense, and the
14 United States Probation Department jointly recommended that a sentence of two years'
15 probation with one year of home confinement be imposed; the Court agreed and adopted the
16 joint recommendation. The Judgment was entered July 14, 2023. Dkt. 199 at 3–4.

17 Mr. Rosenberg began his two-year term of probation on July 14, 2023, and was placed
18 on location monitoring on July 17, 2023. Mr. Rosenberg is in full compliance with the terms of
19 probation, including the location monitoring program rules.

20 Mr. Rosenberg's daughter is scheduled to be married on Tuesday, June 25, 2024, in
21 Lakewood, New Jersey. The Probation Office approved Mr. Rosenberg's travel for the wedding
22 itself, in keeping with the requirements of the location monitoring program and the Probation
23 Department's authority and national policy. However, the family has also scheduled a

1 customary pre-wedding celebration, the “*aufbruch*,” for Saturday, June 22, 2024, scheduled to
2 begin at 11:00 a.m. and ending at 3:00 p.m.

3 Because of the Sabbath, the Jewish day of rest, Mr. Rosenberg cannot drive a car on
4 Saturday until after sundown. Therefore, to attend and participate in this important ceremony,
5 Mr. Rosenberg must travel before sundown on Friday, June 21, 2024, and return home after
6 sundown on Saturday, June 22, 2024.

7 On May 15, 2024, the Probation Office received a request from Rabbi Berel Paltiel of
8 the Aleph Institute, a nationally recognized organization working with those incarcerated and
9 their families, to allow Mr. Rosenberg permission to travel on Friday afternoon, June 21, to
10 Lakewood, New Jersey, to sleep there overnight due to the Sabbath restriction on traveling, so
11 he can participate in the customary pre-wedding celebration for his daughter and future son-in-
12 law on Saturday June 22, 2024, before returning home to Brooklyn, New York. Rabbi Paltiel
13 further made clear that, during the Sabbath, Mr. Rosenberg cannot utilize his cell phone; he
14 can, however, call his probation officer immediately “and check in immediately prior to the
15 onset of the Sabbath (Friday evening) and immediately following the conclusion of the Sabbath
16 (Saturday night).” Ex. A.

17 Although the Probation Office has no objection to this request, due to a U.S. Probation
18 national policy statement, the overnight portion of the request requires the approval of the
19 Court. The Probation Officer therefore directed Mr. Rosenberg to seek the approval of the
20 Court. This unopposed motion follows that direction.

21 Assistant United States Attorney Miriam Hinman was contacted by the defense
22 regarding the request and spoke with Mr. Rosenberg’s Probation Officer directly. On June 6,
23 2024, Ms. Hinman AUSA advised counsel by email that the Government has no objection to

1 the proposed travel if Mr. Rosenberg provides a complete travel itinerary details to the
2 probation office and checks in with his probation officer on Friday evening before the Sabbath
3 and Saturday night, after the Sabbath, as requested by U.S. Probation.

4 **III. CONCLUSION**

5 For the above stated reasons, it is respectfully requested that the Court allow the United
6 States Probation Department authorization to approve Mr. Rosenberg's travel from Brooklyn,
7 New York to Lakewood, New Jersey, on June 21 and June 22, 2024, in keeping with the
8 Sabbath, and in compliance with the directions of his United States Probation Officer.

9 Dated this 10th day of June 2024.

10 s/ Peter Offenbecher
11 Peter Offenbecher, WSBA No. 11920
12 SKELLENGER BENDER, P.S.
13 Attorneys for Ephraim Rosenberg
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EXHIBIT A

From: [REDACTED]
To: [REDACTED]
Subject: [REDACTED]
Date: [REDACTED]
Attachments: [REDACTED]

[REDACTED]

----- Forwarded message -----

From: Sabrina Gargano [REDACTED]
Date: Mon, May 20, 2024, 9:25 AM
Subject: RE: For your consideration
To: Rabbi Berel Paltiel [REDACTED]
Cc: Ed Rosenberg [REDACTED]

Good morning,

The Probation Department cannot authorize Mr. Rosenberg to travel overnight due to location monitoring, as per our national policy. The Court must approve this request, as it pertains to overnight travel.

Mr. Rosenberg was directed to speak with his attorney regarding submitting this request to the Court. At this time, the Probation Department does not have any objections to this request, but cannot authorize overnight travel.

Sincerely,

SABRINA GARGANO

U.S. Probation Officer Assistant

27 Johnson Street, Brooklyn, NY 11201



Office: [REDACTED]

Mobile: [REDACTED]

Fax: [REDACTED]

E-mail: [REDACTED]

From: Rabbi Berel Paltiel [REDACTED]

Sent: Wednesday, May 15, 2024 2:50 PM

To: Sabrina Gargano [REDACTED]

Cc: Ed Rosenberg [REDACTED]

Subject: For your consideration

CAUTION - EXTERNAL:

BH

Dear PO Gargano,

Good afternoon, I hope this email finds you well.

By way of introduction, I work with the Aleph Institute, a nationally recognized NGO working with those incarcerated and their families. For when your schedule may allow, a sampling of our broader policy work is the recent [Rewriting the Sentence II Summit](#) . [This is a brief video](#) with highlights from our prior Summit.

I am writing regarding a request submitted by Ephraim Rosenberg who has been incredibly blessed with your compassionate supervision. Mr. Rosenberg requested permission to travel on Friday afternoon, June 21, to Lakewood, NJ, to sleep there overnight (due to the Sabbath restriction of traveling) and to return on Saturday, June 22, at midnight. This would allow for Mr. Rosenberg to participate in a traditional pre-wedding celebration for his daughter and future son-in-law. Given our

involvement in this space, with your permission, please allow me to bring several mitigating factors to your attention for consideration, should another look at his request be possible.

-While parallels cannot always be drawn, allow me to highlight that for individuals who are in Home Confinement under the BOP, overnight furloughs for such occasions are generally allowed.

-This is a religious celebration in connection with his daughters wedding, and it is likewise religious factors which prohibit him from driving to and from the event on Saturday.

-Mr. Rosenberg has a prefect probation record, is in full compliance, and is just a few weeks short of completing his term of Home Confinement.

-Mr. Rozenberg can call and check in immediately prior to the onset of the Sabbath (Friday evening) and immediately following the conclusion of the Sabbath (Saturday night).

Submitting this request to the court would cost nearly \$5000 in attorney's fees, which for Mr. Rosenberg, would be a significant burden. If we are correct in our understanding that probation does indeed have discretion to approve this overnight stay (furlough?), considering his stellar conduct record, the religious component, and the parallels for those under Home Confinement with the BOP, a reconsideration of his request would be truly wonderful and most sincerely appreciated.

Thank you for your leadership and for your consideration of this request.

Sincerely,

Berel

--

Rabbi Berel Paltiel

Director of Advocacy | The Aleph Institute

No One Alone. No One Forgotten.

T: [REDACTED]

E: [REDACTED] | W: www.aleph-institute.org

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